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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,361	02/18/2004	Adam Matthew Holms	04HOLM1	7416

7590

09/01/2006

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EXAMINER

SIMONE, CATHERINE A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/780,361

Applicant(s)

HOLMS, ADAM MATTHEW.

Examiner

Catherine Simone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Withdrawn Rejections***

1. The 35 U.S.C. 102 rejection of claims 1 and 5 as anticipated by Franz of record in the previous Office Action mailed 12/13/05, Page 2, Paragraph #2 has been withdrawn due to the Applicant's amendment filed 6/9/06.
2. The 35 U.S.C. 103 rejection of claims 2, 3, 6 and 7 over Franz in view of Matsumura et al. of record in the previous Office Action mailed 12/13/05, Pages 3-4, Paragraph #4 has been withdrawn due to the Applicant's amendment filed 6/9/06.
3. The 35 U.S.C. 103 rejection of claims 2, 4, 6 and 8 over Franz in view of Gabbrielli of record in the previous Office Action mailed 12/13/05, Pages 4-5, Paragraph #5 has been withdrawn due to the Applicant's amendment filed 6/9/06.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitations "closed-cell foam" and "cylindrical tube" in claim 1 are deemed new

matter. The specification, as originally filed, does not provide support for the invention as is now claimed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norman (US 4,262,385) in view of Cano (US 5,860,190) and in view of Doubt (US 4,765,856).

Regarding claim 1, Norman discloses an adjustable wrapping device (for a handle) comprising a flexible sheet of a compressible elastomer (*Fig. 7, #16 and see col. 3, lines 21-23*) having an outer surface (*Fig. 7, #25*) and a smooth opposing inner surface (*Fig. 7, #23*), the smooth opposing surface being laminated to a sheet of a substantially non-extensible reinforcing fabric (*Fig. 7, #15 and see col. 3, lines 19-21*) to form a laminated sheet; and fastening means affixed to the laminated sheet (*Fig. 7, #28 and #31*), the fastening means (*#28 and #31*) being operable for releasably attaching opposing ends of the laminated sheet to form a cylindrical tube (*see Figs. 2 and 3 and see col. 4, lines 14-21*).

However, Norman fails to teach the outer surface being a textured, non-slip surface and the compressible elastomer being a closed-cell foam elastomer.

Cano teaches to have the outer surface of a compressible elastomer material of a handle grip, which is to be attached to a handle, provided with a textured, non-slip surface (*see col. 3,*

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lines 22-30) for the purpose of improving the gripping ability onto a handle. Doubt teaches to have the compressible elastomer material of a hand grip, which is to be affixed to a handle, include a closed-cell foam elastomer (*see col. 3, lines 64-66*) for the purpose of providing the grip with a softer feel.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the outer surface of the compressible elastomer of the wrapping device in Norman to be textured and non-slip as suggested by Cano in order to improve the gripping ability of the wrapping device onto a handle. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the compressible elastomer of the wrapping device in Norman to be a closed-cell foam elastomer as suggested by Doubt in order to provide the wrapping device with a softer feel.

Regarding claim 5, note a strip of colored fabric (cloth trim strip) in Norman is affixed to at least one peripheral edge of the laminated sheet (*Fig. 7, #27 and see col. 4, lines 6-13*).

8. Claims 2, 3, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Matsumura et al. (US 5,055,340).

Regarding claims 2 and 3, Norman, Cano and Doubt teach the adjustable wrapping device as presently claimed and is detailed above. However, Norman fails to teach a second sheet of a compressible elastomer having a smooth surface and an opposing textured surface wherein the smooth surface on the second sheet is affixed to the sheet of the reinforcing fabric.

Matsumura et al. teaches to have a wrapping device including a second sheet of a compressible elastomer having a smooth surface and an opposing textured surface wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric (*see col. 3, lines 1-20*) for the purpose of providing a gripping surface that does not get slippery by rain or the sweated hand

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of the user and that also has a moderate flexibility so as to provide its user with a pleasant touch feeling.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the wrapping device in Norman with a second sheet of a compressible elastomer having a smooth surface and an opposing textured surface wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric as suggested by Matsumura et al. in order to form a gripping surface that does not get slippery by rain or the sweated hand of the user and that also has a moderate flexibility so as to provide its user with a pleasant touch feeling.

Regarding claims 6 and 7, note a strip of colored fabric (cloth trim strip) in Norman is affixed to at least one peripheral edge of the laminated sheet (*Fig. 7, #27 and see col. 4, lines 6-13*).

9. Claims 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Gabbrielli (EP 1 216 807 A2).

Regarding claims 2 and 4, Norman, Cano and Doubt teach the adjustable wrapping device as presently claimed and is detailed above. However, Norman fails to teach a second sheet of a compressible elastomer having a smooth surface and an opposing smooth surface wherein the smooth surface on the second sheet is affixed to the sheet of the reinforcing fabric.

Gabbrielli teaches to have an elastomer-fabric laminate sheet including a second sheet of a compressible elastomer having a smooth surface and an opposing smooth surface (*Fig. 3, #20*) wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric (*Fig. 3, #1*) for the purpose of providing anti-slip properties, protection against impacts and resistance to abrasion and tearing as well as impermeableness.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the elastomer-fabric laminate of the wrapping device in Norman with a second sheet of a compressible elastomer having a smooth surface and an opposing smooth surface wherein the smooth surface on the second sheet is affixed to a sheet of reinforcing fabric as suggested by Gabbrielli in order to provide the wrapping device with anti-slip properties, protection against impacts and resistance to abrasion and tearing as well as impermeableness.

Regarding claims 6 and 8, note a strip of colored fabric (cloth trim strip) in Norman is affixed to at least one peripheral edge of the laminated sheet (*Fig. 7, #27 and see col. 4, lines 6-13*).

#### ***Response to Arguments***

10. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new grounds of rejection.

#### ***Conclusion***

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

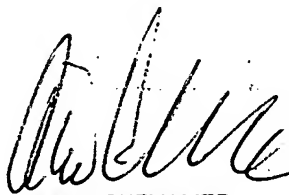
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CAS

Catherine A. Simone  
Examiner  
Art Unit 1772  
August 22, 2006

  
ALICIA CHEVALIER  
PRIMARY EXAMINER